IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.513 OF 2005

Sanjeev Basantani ..Petitioner.

Vs.

The Municipal Corporation of
Greater Mumbai & Ors. ..Respondents.

....

Mr.P.K. Samdani i/b M/s.Kishore Thakordas & Co.
for the Petitioner.
Mrs.A.R.Joshi for the BMC.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

1st March, 2005.

P.C. :

1. The Petitioner has instituted these proceedings under Article 226 of the Constitution to challenge an order dated 24th November, 2004 passed by the City Engineer and Secretary of the Registration Committee by which the Petitioner has been de-registered for a period of two years from 12th

January, 2004 until 11th January, 2006 in all categories from submitting bids to the Municipal Corporation. On 10th February, 2004, the Deputy Chief Engineer (Strom Water Drains) of the Municipal Corporation addressed a letter to the Petitioner recording that several complaints had been received in regard to the slow progress of work which had been allotted to the Petitioner. The Petitioner replied thereto. A notice to show cause was issued to the Petitioner on 14th May, 2004 in which it was alleged that quarterly appraisal reports by the Deputy Chief Engineer in regard to certain municipal work which was allotted to the Petitioner showed that his performance for three consecutive quarters was below 60%. The Petitioner was informed that if a clarification was not received, an order of 'demotion' for two years would be passed. The Petitioner submitted a reply on 31st May, 2004. On 18th June, 2004 an order of suspension was initially passed against the Petitioner till further orders. The Petitioner submitted a representation dated 17th September, 2004 to the Additional Municipal Commissioner recording that the delay in the completion of the work was due to circumstances beyond the control of

the Petitioner. On 5th October, 2004 the Petitioner sought an opportunity of a personal hearing before any action of black listing was taken. Accordingly by a letter of 12th October, 2004 a hearing was fixed in the office of the Chief Engineer on 18th October, 2004. The Petitioner thereupon submitted further representations dated 18th October, 2004 and 3rd November, 2004.

2. An order of de-registration for two years has been passed on 24th November, 2004. The order merely records that the Petitioner has failed to give satisfactory reasons and to convince the authorities in regard to the delay in execution of the work. In my view, it is necessary for the authority to pass atleast a brief speaking order indicating the reasons on the basis of which a decision was taken to de-register the Petitioner. In the circumstances, in order to facilitate the passing of a reasoned order, the impugned order dated 24th November, 2004 is quashed and set aside. It is, however, clarified that this Court has had no occasion to consider the merits of the allegations against the Petitioner. Consequently, the order of suspension which has been passed

against the Petitioner shall continue to operate until the authority arrives at a fresh decision. The Petitioner shall appear before the City Engineer and Secretary of the Registration Committee on 14th March, 2005 so that a time schedule can be fixed for expeditious disposal of the complaint on or before 31st March, 2005.

The Petition is disposed of.